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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,325	02/19/2004	Melbourne F. Giberson	TRI 8300D5	6156
1688	7590	04/21/2005	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI			LESLIE, MICHAEL S	
12412 POWERSCOURT DRIVE SUITE 200			ART UNIT	
ST. LOUIS, MO 63131-3615			PAPER NUMBER	

3745

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,325

Applicant(s)

GIBERSON ET AL

Examiner

Michael Leslie

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/5/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giberson (5315825) in view of Applicant's prior art admission.

Giberson discloses an oil system for supplying oil to a fluid coupling having an impeller (6) with a casing connected to an input shaft (4), a runner (7) connected to an output shaft (15), a reservoir (35) positioned vertically below the level of the impeller and runner casings, a circulating oil pump, a heat exchanger (50) having a vent pipe in the top communicating with the reservoir, and a filter (58) for filtering out particles larger than a specific size from all oil flowing to the coupling. Giberson does not teach that the circulating oil pump is located in the reservoir.

A fluid coupling having an impeller with an impeller casing connected to an input shaft and a runner connected to an output shaft, said input and output shafts being oriented substantially horizontally, said impeller being driven by a diesel engine, a reservoir and a circulating oil pump located in said reservoir, said reservoir being positioned vertically below the level of said impeller and runner casings and said input and output shafts, said oil pump being a part of a circulating oil system, and a heat exchanger operatively connected in said circulating oil system is, by Applicant's admission, known in the art.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Giberson by having the circulating oil pump located in the reservoir as taught by Applicant's prior art admission for the purpose of reducing the space needed for the pump and reservoir assemblies.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giberson (5315825) in view of Bay et al (5600954) and Applicant's prior art admission.

Giberson discloses an oil system for supplying oil to a fluid coupling having an impeller (6) with a casing connected to an input shaft (4), a runner (7) connected to an output shaft (15), a reservoir (35) positioned vertically below the level of the impeller and runner casings, a circulating oil pump, a heat exchanger (50). Giberson does not teach that the circulating oil pump or a heating element with thermostatic control is located in the reservoir.

A fluid coupling having an impeller with an impeller casing connected to an input shaft and a runner connected to an output shaft, said input and output shafts being oriented substantially horizontally, said impeller being driven by a diesel engine, a reservoir and a circulating oil pump located in said reservoir, said reservoir being positioned vertically below the level of said impeller and runner casings and said input and output shafts, said oil pump being a part of a circulating oil system, and a heat exchanger operatively connected in said circulating oil system is, by Applicant's admission, known in the art.

Bay et al teach an oil circulating system with a heating element (45) with thermostatic control in the reservoir for heating the oil in cold start conditions. (Column 1, Lines 48-59)

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Giberson by having the circulating oil pump located in the reservoir as taught by Applicant's prior art admission for the purpose of reducing the space needed for the pump and reservoir assemblies and to have a heating element in the reservoir having thermostatic control for heating the oil in cold start conditions as taught by Bay et al for the purpose of avoiding damage to the pump.

#### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5590582 discloses an oil supply system having a pump and heating element in the reservoir.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Leslie whose telephone number is (571) 272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

April 14, 2005

  
Michael Leslie  
Patent Examiner  
AU 3745

  
EDWARD K. LOOK  
SUPERVISORY PATENT EXAMINER  
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4/16/05